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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,267	01/23/2004	Ross Armstrong	720004.535	6180
500	7590	09/24/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			TAWFIK, SAMEH	
701 FIFTH AVE			ART UNIT	
SUITE 6300			PAPER NUMBER	
SEATTLE, WA 98104-7092			3721	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/764,267

**Applicant(s)**

ARMSTRONG ET AL.

**Examiner**

Sameh H. Tawfik

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08102004&amp; 08192004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14 and 18, drawn to a strapping machine for bundling objects, classified in class 053, subclass 399.
- II. Claims 15-17, drawn to a method for applying an adhesive coated strap around a bundle of objects, classified in class 053, subclass 424.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as one with means for inserting a heater blade between the overlapping strap ends; dry sealing the overlapping strap ends through a mechanically timed dwell means, removing the heater blade, pressing the adhesive coated portions of the strap ends together, applying pressure to the sealed strap, and means for releasing the strap.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Richard Vershave on 09/14/2004 a provisional election was made without traverse to prosecute the invention of group I, claims 1-14 and 18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Helland et al. (6,415,712).

Helland discloses a strapping machine for bundling objects, comprising a dispenser for feeding a strap from at least one strap coil; an accumulator for receiving the strap from the dispenser and storing excess strap during a tensioning operation (Fig. 1; via 114, Fig. 2; via 300; and Fig. 14); a track assembly extending substantially about a strapping station, the track assembly capable of receiving the strap and then releasing the strap from a plurality of biased covers during a tensioning operation, the covers being biased in a closed position while the strap is guided through a track channel (Figs. 19-21); a feed and tension unit for receiving the strap from the accumulator, for feeding the strap substantially through the strap channel of the track assembly, and for retracting excess strap during the tensioning operation, the feed and tension unit including a plurality of drive and pinch wheels for guiding the strap through a "V-shaped" path (Figs. 10-12); a sealing head assembly located in proximity to the strapping station having a plurality of cams and cam followers mounted on a shaft, the cams being mechanically sequenced for repeatedly and accurately gripping, cutting, and dry sealing the strap around a bundle of objects, the gripping and cutting being accomplished by a cutter-gripper assembly that includes at least one gripper for gripping a free end of the strap and a cutting device for cutting the strap

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.to create two overlapping strap ends (Fig. 3 and column 7, lines 4-20); and a main drive assembly having at least one motor for providing power to the feed and tension unit and the sealing head assembly (Fig. 7).

Regarding claim 2: wherein the strap is a paper web strap that can be successively plow folded and glued into a continuous strip, the strap further being securable around the bundle of objects with the application of heat (column 13, lines 25-29).

Regarding claim 3: further comprising: a control system having a programmable logic controller for communicating with at least the sealing head assembly (column 6, lines 40-43).

Regarding claim 4: wherein the dispenser further includes a spring brake operatively coupled to a mounting shaft, the mounting shaft rotatably supporting a hub containing an active strap coil, and a strap exhaust switch in communication with the spring brake for detecting a depleted strap coil (Fig. 17 and column 12, lines 36-56).

Regarding claim 5: wherein the accumulator includes an accumulator feed switch to detect the free end of the strap and a spring brake for managing the feeding of the strap into an accumulator chamber, the accumulator chamber having a bottom entrance and the chamber being enclosed by a first and second sidewall (Fig. 14, column 12, lines 1-12).

Regarding claim 6: wherein the biased covers of the track assembly are located on independent track sections, each track section having a plurality of guide supports with a T-shaped interlocking flange projecting radially inward from a track outer frame (Fig. 20 and column 13, lines 40-50).

Regarding claim 7: wherein each biased cover is rotatably connected to a backplate and biased in a closed position such that the cover and backplate form a guide passage for the strap (Figs. 20 and 21).

Regarding claim 8: wherein the feed and tension unit includes at least one set of wheels adjacently located and biased toward one another for pinching and asserting a variable force on the strap during a strap feeding operation, the set of wheels being permitted to rotate freely during other operations (Figs. 10-12; via wheels and pinching of Fig 12).

Regarding claim 9: wherein the feed and tension unit includes at least two independent sets of wheels, each set of wheels one being adjacently located and biased toward the other wheel in the set, the sets of wheels configured to provide both a primary and a secondary pinching force on the strap, the primary pinch force causes the strap to substantially disengage from the track channel while subsequent secondary pinch force appropriately secures the strap around the bundle of objects (Fig. 12).

Regarding claim 10: wherein the cutting device includes a cutter blade that is slidably engageable with a press platen and the blade being biased in a non-cutting position with a cutter spring that is compressed between the cutter blade and the press platen (Fig. 6; via cutter 414).

Regarding claim 11: wherein the cutting device is configured to be reversibly installable such that either end of the cutting device may be used for cutting the strap (Fig. 3.; via 414)

Regarding claim 12: further comprising: a first cutting edge of the cutting device is configured with a proximal corner end and a distal corner end, the proximal corner end being vertically offset relative to the distal corner end by approximately 9 degrees, an opposing second cutting edge of cutting device configured to symmetrically mirror the first cutting edge (Fig. 6).

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Regarding claim 13: wherein a variable force is applied to the strap by altering the pulse width modulation of a feed pinch solenoid (Fig. 10).

Regarding claim 14: wherein the track assembly has at least one indicator light attached thereto to provide an indication of a strap misfeed condition (column 6, lines 11-25).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

ST.

A handwritten signature in dark ink, consisting of a large, stylized 'S' followed by a horizontal line and a small loop at the end.